

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

| | | |
|---------------------------|---|-------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | 08-00223-01/02-CR-W-GAF |
| v. |) | |
| |) | |
| MARK SALAMASINA, |) | |
| JOANINNA LATA, |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE

PENDING CHARGE: On August 19, 2008, the Grand Jury returned a two count indictment against defendants Mark Salamasina and Joanina Lata. Count One of the indictment charges that on or about August 5, 2008, defendants Salamasina and Lata conspired to distribute a mixture or substance containing a detectable amount of cocaine in an amount of 500 grams or more. Count Two charges that on or about August 5, 2008, defendants Salamasina and Lata possessed with intent to distribute a mixture or substance containing a detectable amount of cocaine in an amount of 500 grams or more.

The following matters were discussed and action taken during the pretrial conference:

TRIAL COUNSEL:

Government: Patrick Daly and Joseph Marquez
Case Agent: DEA Special Agent Joseph Geraci
Defense: Bruce Simon for defendant Salamasina
Robert Simons for defendant Lata

OUTSTANDING MOTIONS: None

TRIAL WITNESSES:

Government: 4-5 witnesses without stipulations
Defendants: The only possible witnesses are the defendants who may testify.

TRIAL EXHIBITS:

Government: The government has listed 99 exhibits, but expects to use 40-55 exhibits.
Defendants: No exhibits for defendants.

DEFENSES: General denial

POSSIBLE DISPOSITION:

() Definitely for trial; () Possibly for trial; (X) Possibly a conditional plea depending on the Court's ruling on the motion to suppress.

TRIAL TIME: 3 days

Government's case including jury selection: 3 days

Defense case: 0 day

STIPULATIONS: None.

UNUSUAL QUESTIONS OF LAW: The defendants will oppose the governments use of evidence of other crimes.

FILING DEADLINES:

Witness and Exhibit List

Government: Friday before the pretrial conference

Defense: Friday before the pretrial conference

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: Noon, Wednesday, December 3, 2008

Please Note: Jury instructions must comply with Local Rule 51.1

Motion in Limine: None planned, but the defendants intend to oppose the Government's Notice of its Intent to Offer Evidence of Other Crimes (doc. # 48)

TRIAL SETTING: Criminal jury trial docket commencing December 8, 2008.

IT IS SO ORDERED.

/s/ Sarah W. Hays

SARAH W. HAYS

UNITED STATES MAGISTRATE JUDGE